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February 16, 2024

VIA ECF

Hon. Katharine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *S.H., et al. v. N.Y.C. Dep't of Educ.*, 23-cv-9753 (KHP)(GS)
M.N. v. N.Y.C. Dep't of Educ., 23-cv-9772 (KHP)(JLC)

Dear Judge Failla:

I am a Special Assistant Corporation Counsel in the Office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced actions, wherein Plaintiffs seek solely attorneys' fees, costs, and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20U.S.C. § 1400, *et. seq.* ("IDEA"), as well as for this action.

On February 14, Judge Cronan scheduled a pre-motion conference for April 10, 2024 to discuss the anticipated consolidation motion, pursuant to Fed. R. Civ. P. 42(a) (ECF No. 8), of these cases along with 29 other IDEA fees cases,¹ with *R.C., et al. v. N.Y.C. Dep't of Educ.*, 23-

¹ The parties will file corollary letters before the appropriate Article III or Magistrate Judge requesting stays of the following the cases:

- (i) *A.C., et al. v. New York City Dep't of Educ.*, 23-9729 (CM)(SN)
- (ii) *E.O., v. New York City Dep't of Educ.*, 23-cv-9732 (JLR)(SN)
- (iii) *C.C., et al. v. N.Y.C. Dep't of Educ.*, 23-cv-9738 (GHW)(VF)
- (iv) *D.M., et al. v. New York City Dep't of Educ.*, 23-cv-9736 (MKV)(VF)
- (v) *K.B., et al. v. New York City Dep't of Educ.*, 23-cv-9734 (GHW)(KHP)
- (vi) *G.D., et al. v. New York City Dep't of Educ.*, 23-cv-9743 (ALC)(SLC)
- (vii) *G.W., et al. v. New York City Dep't of Educ.*, 23-cv-9744 (PAE)(SDA)
- (viii) *M.Z., v. New York City Dep't of Educ.*, 23-cv-9746 (MKV)(SLC)
- (ix) *E.C. v. New York City Dep't of Educ.*, 23-cv-9747 (JPO)(RWL)
- (x) *L.P., et al. v. New York City Dep't of Educ.*, 23-cv-9749 (ER)(GS)
- (xi) *M.Y., et al. v. N.Y.C. Dep't of Educ.*, 23-cv-9740 (JGK)(JLC)
- (xii) *G.P., et al. v. N.Y.C. Dep't of Educ.*, 23-cv-9750 (AT)(BCM)
- (xiii) *M.S., et al. v. N.Y.C. Dep't of Educ.*, 23-cv-9751 (LJL)(JW)
- (xiv) *J.W., et al. v. New York City Dep't of Educ.*, 23-cv-9755 (AS)(SN)
- (xv) *A.J., et al. v. New York City Dep't of Educ.*, 23-cv-9757 (JLR)(BCM)
- (xvi) *A.M., et al. v. New York City Dep't of Educ.*, 23-cv-9758 (PAE)(SLC)
- (xvii) *J.W., v. New York City Dep't of Educ.*, 23-cv-9759 (PAC)(KHP)
- (xviii) *N.I., et al. v. New York City Dep't of Educ.*, 23-cv-cv-9760 (JHR)(VF)

cv-9727 (JPC)(RWL) (ECF No. 8). Therefore, I write on behalf of all parties to respectfully request a stay of the above-referenced action pending the April 10 conference with Judge Cronan. All 32 cases were filed by Plaintiffs on November 3, 2023, and served on February 1, 2024. *R.C.* has the lowest civ. number of all the matters.² The parties' anticipated motion to consolidate includes a request for a 180-day stay³ of all 32 cases for the purposes of simultaneous settlement, which the parties believe to be the most expeditious and judicially economical way to reach resolution. The parties are optimistic they will be able to fully resolve these matters through settlement without further intervention of the Court.

Should Judge Cronan grant the parties' requests, and in the unlikely event any of these 32 fee applications cannot be resolved through settlement, the parties will either seek the assistance of Magistrate Judge Lehrburger, currently assigned to *R.C.*, or propose a consolidated briefing schedule after the proposed 180-day timeline for global settlement. We note that this office settles 95% of the IDEA claims commenced against the N.Y.C. Department of Education without the need to appear at conferences, engage in motion practice, and often without the need to respond to the complaint. We are hopeful these simple fee application cases will take that same course.

Given the foregoing, the parties additionally respectfully request that the Court adjourn, *sine die*, the Initial Pretrial Conferences for these matters scheduled for March 27, 2024 pursuant to the Court Orders each dated February 14, 2024 (ECF No. 7).

Accordingly, the parties respectfully request that the Court adjourn the aforementioned conferences scheduled before this Court, and order a stay of these matters pending Judge Cronan's resolution of the motion pursuant to Fed. R. Civ. P. 42(a) in *R.C.*, 23-cv-9727.

The parties thank the Court for considering these requests.

Respectfully submitted,

/s/

Lauren Howland

Special Assistant Corporation Counsel

cc: Jesse Cole Cutler (via ECF)

(xix) *A.S., et al. v. New York City Dep't of Educ.*, 23-cv-9761 (DEH)(SN)
 (xx) *D.M., et al. v. New York City Dep't of Educ.*, 23-cv-9762 (JMF)(KHP)
 (xxi) *E.L., et al. v. New York City Dep't of Educ.*, 23-cv-9763 (LGS)(GS)
 (xxii) *E.N., et al. v. New York City Dep't of Educ.*, 23-cv-9764 (AS)(GWG)
 (xxiii) *K.M., v. New York City Dep't of Educ.*, 23-cv-9766 (AT)(JLC)
 (xxiv) *M.B., et al. v. New York City Dep't of Educ.*, 23-cv-9768 (JGLC)(SLC)
 (xxv) *L.W., et al. v. New York City Dep't of Educ.*, 23-cv-9770 (JGLC)(GS)
 (xxvi) *M.L., et al. v. New York City Dep't of Educ.*, 23-cv-9771 (JMF)(JLC)
 (xxvii) *S.I., et al. v. New York City Dep't of Educ.*, 23-cv-9773 (LGS)(JW)
 (xxviii) *A.C., et al. v. New York City Dep't of Educ.*, 23-cv-9774 (ALC)(SN)
 (xxix) *C.D., et al. v. New York City Dep't of Educ.*, 23-cv-9776 (ALC)(SN)

² On November 3, 2023, Plaintiffs additionally filed *H.B., et al. v. New York City Dep't of Educ.*, 23-cv-9724 (JMF)(BCM), however that matter has a pending order to show cause due to failure of timely service.

³ A 180-day extension would allow Defendant's counsel time to complete the City's internal review process for all 32 matters—which typically takes upwards of 90 days for a *single* matter—by analyzing the billing records together with the underlying administrative records, engaging in settlement negotiations, and hopefully reaching agreements in each matter.

Application GRANTED. The Court hereby STAYS the actions *S.H., et al. v. N.Y.C. Dep't of Educ.*, No. 23 Civ. 9753 (KPF)(GS), and *M.N. v. N.Y.C. Dep't of Educ.*, 23 Civ. 9772 (KPF)(JLC). Counsel is cautioned to take greater care in citing the cases going forward, inasmuch as counsel's current request mistakenly attributes these cases to Judge Katharine H. Parker.

The initial pretrial conferences in these matters (scheduled for March 27, 2024) and all associated deadlines are hereby ADJOURNED *sine die*, pending further order of the Court.

Should Judge Cronan deny Defendant's anticipated consolidation motion, the parties are hereby ORDERED to submit a joint letter in both actions within 7 days of such denial requesting a lift of the stay.

The parties are otherwise ORDERED to submit a joint update in both actions on the status of proceedings before Judge Cronan on or before **June 12, 2024**.

The Clerk of Court is directed to file this endorsement on the dockets of Case Numbers 23 Civ. 9753 and 23 Civ. 9772. Further, the Clerk of Court is directed to terminate the pending motions at docket entry 9 in both actions.

Dated: February 16, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE